IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1647 of 2004

GANESHI DEVI & ORS
V/S
MUNI RAM & ORS

Mr. J.R.CHOUDHARY, for the appellant / petitioner

Date of Order : 15.12.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant and perused the record.

The only contention raised by the learned counsel for the appellant is that the compensation awarded is inadequate.

The learned Tribunal has found that in the post mortem report, the age of the deceased is mentioned to be 55 years, and the claimant, Bhanwar Lal, who happens to be son of the deceased has deposed that he was paying Rs.80/- per day to the deceased as wages, while the widow has deposed that her husband was earning Rs.80/- per day and was giving Rs.2500/- every month. While A.W.2 has deposed that the deceased was earning Rs.70/- to 80/- per day. Considering this evidence, the learned trial Court has found that since the deceased was a daily wager, he should be assumed to be working 25 days in a month and taking into account wages to be Rs.60/- per day, the dependency has been assessed by applying a multiplier of 11.

I have read the statements of all the three witnesses, and even after reappreciating those statements, it cannot be said that the finding recorded by the learned trial Court is wrong so as to require interference in this appeal.

The appeal thus, has no force, and is hereby dismissed summarily.

(N P GUPTA),J.

/tarun/